CONFERENCE ON DISARMAMENT

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FINAL RECORD OF THE SEVEN HUNDRED AND THIRTY-FIFTH PLENARY MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 23 May 1996, at 10 a.m.

President: Mr. Abuah (Nigeria)

GE.96-61841 (E)

The PRESIDENT: I declare open the 735th plenary meeting of the Conference on Disarmament.

At the outset, allow me to extend a warm welcome to the Director of the Centre for Disarmament Affairs, Mr. Davinic, who will be following our proceedings during his mission to Geneva. His presence among us, at this important juncture in our collective striving for the finalization of the comprehensive test-ban treaty, is yet another demonstration of the importance attached by the Secretary-General of the United Nations to its successful and early realization. I should like to take this opportunity to renew to the Secretary-General of the United Nations our deep appreciation for the substantive and administrative support provided to our Conference.

I have on my list of speakers for today the representatives of Pakistan and Brazil (who will speak on behalf of the Group of 21).

I wish to remind you that this plenary meeting will be immediately followed by informal open-ended consultations on the review of the agenda of the Conference under the chairmanship of Ambassador Meghlaoui of Algeria.

I now give the floor to the representative of Pakistan, Ambassador Akram.

Mr. AKRAM (Pakistan): First of all, I would like to perform the very pleasant duty of welcoming our new colleague Ambassador Fisseha Yimer of Ethiopia to the Conference on Disarmament.

We are now at a decisive and critical moment in our negotiations for a comprehensive test-ban treaty. In the atmosphere of tension which accompanies this moment, the serenity with which you have conducted our work, Mr. President, has been a welcome tonic.

We had expected that this part of our session would be marked by an intensification of the multilateral negotiating process. On the contrary, our pace has become more sedate, even as our deliberations have been lifted to the level of the ad hoc Committee and beyond into more opaque realms. My delegation, nevertheless, remains optimistic that the CD will be able to meet its self-imposed deadline of concluding the CTBT negotiations by the end of June. However, the conclusion of the treaty must be the outcome of multilateral and transparent negotiations. A treaty which descends from heaven or elsewhere may arrest rather than accelerate our negotiations and the fulfilment of our deadline.

Pakistan remains committed - as we have been for over 30 years - to a genuinely comprehensive nuclear-test-ban treaty. As my Foreign Minister said, here, we are not about to change our mind now that the moment of truth is here. We believe that a CTBT "will be good for the world and it will be good for our region".

Questions regarding the comprehensiveness of the treaty have not yet been satisfactorily answered. There is, as we all know, a growing consensus in favour of the Australian formulation on the "scope" of the treaty. This formula was supported by some nuclear weapon States before and after they gave

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up their desire to continue nuclear testing at low yields - the so-called hydronuclear tests. Now, "zero-yield" or subcritical tests will be continued for the same purpose.

I must state quite categorically, once again, that Pakistan strongly disagrees with the notion of "safety and reliability" tests. Such tests will subvert one of the main attractions of the CTBT of the world's peoples - the realization of nuclear disarmament through a process of attrition. Secondly, with a "cheap" international monitoring system, which is designed to detect explosions of 1 kiloton and above, how will it be possible to distinguish subcritical tests, which will be allowed under the Australian formulation, from low-yield tests, which will be banned? Thirdly, what assurance is there - technical or political - that such subcritical tests will not contribute to the qualitative development of nuclear weapons?

There should be answers to such questions and doubts if we are to develop a genuine consensus on the scope of the Treaty.

My delegation has long felt that one way to provide some reassurance regarding the scope of the CTBT could be to include a provision in the treaty spelling out its "purposes and objectives". We had earlier informally suggested inclusion of an article I on "Purposes and objectives" immediately preceding the article on scope. This encountered opposition from predicable quarters. We have now suggested in a working paper the inclusion of a separate section in the Preamble which would spell out the "purposes and objectives" of the CTBT, which should include: preventing the qualitative development of nuclear weapons; preventing the qualitative development of new kinds of nuclear weapons and systems; contributing to nuclear non-proliferation in all its aspects; promoting nuclear disarmament and the eventual elimination of nuclear weapons within a specific time-frame; and promoting international peace and security.

In parallel, we propose that the article on the "Review of the treaty" should provide for a periodic review of the implementation of the "purposes and objectives" of the CTBT.

My delegation has offered this suggestion as a compromise to overcome the differences which remain on the issue of nuclear disarmament, as well as the questions that arise relating to the scope of the treaty. We are flexible on the precise language that is agreed to describe the purposes and objectives of the CTBT. We believe agreement on this concept could help to overcome one of the most serious questions regarding the prospect of universal adherence to the treaty.

As the mandate of the ad hoc Committee on the NTB specifies, it must be "multilaterally and effectively verifiable". We have evolved an international monitoring system which will be deliberately limited to detecting nuclear explosions of 1 kiloton or more. It is acknowledged to be cheap. (The word "el-cheapo" perhaps is not in the dictionary but should go into the records of our Conference.) However, this deliberate limitation of the IMS is being used

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as an argument for the conduct of on-site inspections and the employment of means of verification which are not "multilateral" but "national" - the so-called NTMs.

Pakistan believes that resort to on-site inspections should be extremely rare and a very serious political event. We will insist that an OSI can only be launched after it has been approved by a two-thirds majority of the Executive Council - the so-called "green light" approach. We will not agree to any dilution of the "green light" procedure.

Pakistan will also insist that buildings, sensitive facilities and inhabited areas, where a nuclear explosion obviously cannot be conducted, should be excluded from inspection or intrusion in the conduct of an OSI.

We remain strongly opposed to national technical means which could be used for harassment and undue interference in the sovereign affairs of States. Pakistan knows only too well how so-called NTMs can be abused to advance the aims of domination and discrimination. Any non-IMS data, if it is to be used to supplement IMS data, would need to meet certain stringent criteria e.g. clear definition of sources, technical screening and evaluation by the IMS/IDC. In this context, we must expressly rule out the use of any form of human intelligence or espionage.

Strangely, while pressing for the inclusion of NTMs, some Powers are seeking to truncate the role of the capabilities of the IDC. The IDC products must be accessible to all in a form which does not require further processing. Those who prefer raw data may of course choose to receive this; but they should not prevent others from benefiting fully from the capabilities of the IDC. Some have argued that adequate screening capabilities do not exist to create real confidence that the data processed extensively, especially for the benefit of developing countries, will yield authentic results. If such techniques do not exist, we wonder how individual countries will be able to draw the conclusions on which they may base a call for an on-site inspection.

It is evident that a comprehensive test-ban treaty can be effective and permanent only if it is accepted by all States. If one country tests, or retains the right to test, others whose security interests are affected cannot be expected to accept a one-sided restraint. While most countries have assumed binding obligations against acquisition of nuclear weapons and nuclear testing under the NPT, there are eight countries which have not done so and which are known, or generally considered, to have the capability to conduct nuclear-test explosions. Unless each one of these eight States signs and ratifies the CTBT, a test ban will not be comprehensive or sustainable. As we have said before: the CTBT is an "all or nothing" treaty.

My delegation has thus adopted, from a former colonial Power, the formula that the treaty should enter into force once it is ratified by 40 States including all the eight States I have mentioned. We are flexible about the total number of ratifications required for entry into force. We are also flexible about the precise manner in which the treaty indicates the requirement for ratification by the eight States that now have the capability

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and the legal latitude to conduct nuclear explosion tests. But, we cannot accept any provision - such as a waiver clause - which could circumvent this requirement for adherence by all of these eight States.

Since it is primarily these eight States which are likely to be involved in the resolution of "ambiguous" or "suspicious" events, it is essential that they should be represented on a continuous basis on the Executive Council. A number of other States with a direct interest in the treaty's implementation could also serve continuously on the Executive Council. We remain flexible regarding the overall size of the Council, which should be based on some rational criteria, and its seats distributed on an equitable geographical basis.

Some of our colleagues are fond of the phrase, "end-game". We may well be close to the end of our negotiations. But this is no "game" and we hope that no games will be played here. My delegation expects to participate fully in the negotiations designed to evolve compromises on various important issues that remain outstanding. There should be no expectation or design to marginalize or circumvent the positions of certain delegations in this final and critical stage of our negotiations. Such an effort is likely to defeat the very objective it seeks - a CTBT that enjoys universal support and adherence.

The PRESIDENT: I thank the representative of Pakistan for his statement. I now give the floor to the representative of Brazil, Ambassador Saboia, who will speak on behalf of the Group of 21.

Mr. SABOIA (Brazil): I shall now make a statement in my capacity as Coordinator of the Group of 21.

As is well known, the Group of 21 has persistently pressed for commencement of negotiations on nuclear disarmament in the Conference on Disarmament. In that respect, and in view of the consultations being held by the Special Coordinator on the agenda of the Conference, the Group of 21 wishes to refer to its formal proposal (CD/1388) to immediately establish an ad hoc committee on nuclear disarmament, and reiterates its view that this ad hoc committee should commence immediately after the conclusion of the CTBT negotiations in 1996. The Group of 21 requests that this be duly taken into account by the Special Coordinator.

The PRESIDENT: I thank the representative of Brazil for his statement. Does any other delegation wish to take the floor at this stage?

Mr. VATTANI (Italy): I am taking the floor to draw the attention of the Conference on Disarmament to the declaration made by my delegation in its capacity as current President of the European Union Council, which has been tabled as an official CD document (CD/1396), circulated among participants of the Conference. The document to which I refer concerns the declaration on the negotiations on the comprehensive nuclear-test-ban treaty made on 22 April 1996 by the General Affairs Council of the European Union, to which the European Free Trade Association (EFTA) countries members of the European Economic Area (EEA), the Central and Eastern European countries associated with the European Union and the associated countries Cyprus and Malta aligned themselves.

The PRESIDENT: I thank the distinguished Ambassador of Italy for his statement. Does any other delegation wish to take the floor at this stage? This does not appear to be the case.

As this is the last plenary over which Nigeria will preside, permit me to make a few comments.

At the outset of our presidency, there were two major issues outstanding, namely the questions of nuclear disarmament and expansion of the membership of the Conference. There was also the work of the Special Coordinator (Ambassador Meghlaoui of Algeria) on the review of the agenda. Ambassador Meghlaoui will shortly give his preliminary remarks on his consultations. Today, upon the conclusion of this plenary meeting, he will hold informal consultations on the subject. Meanwhile, let me thank him for his efforts towards reaching a common position on the future agenda of the Conference. I urge him to deepen further his consultations.

The issue of nuclear disarmament has occupied our attention during Nigeria's presidency. We have built on the consultations of my immediate predecessors, Ambassador Aye of Myanmar and Ambassador Jaap Ramaker of the Netherlands, in order to explore how the Conference could best approach the matter. In the consultations, all delegations showed clear recognition of the importance of nuclear disarmament as the ultimate goal of the international community for a safe and secure world. However, delegations differed on how to proceed. We are yet to reach a consensus on the proposal of the Group of 21 to address the issue of nuclear disarmament. The process of consultations should therefore continue.

Regarding expansion of the membership of the Conference, we held bilateral meetings with CD members as well as its non-members that are directly affected by our decision contained in document CD/1356. I benefited from our consultations with the members of the Group of 23 individually and collectively. It appeared to me that we are now on the threshold of a breakthrough. It is my pleasant duty, therefore, to commend the matter to my successor to carry forward the consultations so that decision CD/1356 can be implemented as soon as possible. In this endeavour, let me place on record my gratitude to the delegations that brought about this happy prospect.

The negotiation for a comprehensive test-ban treaty has entered its final phase. In the 29 months since we began this noble enterprise, much work has been done. This is reflected in the rolling text and the profound impetus given to it by the Iranian and Australian texts. To accelerate our negotiation, a different strategy was recently introduced at the beginning of this part of our annual session. The objective is early conclusion of the negotiation to fulfil our mandate within the agreed time-frame.

Since then, there has been some movement on some difficult sections of the draft treaty. But there are still major differences on fundamental issues. There is no other way but to discuss the issues. It has not been easy, but at some point - in fact, before long - we should sit down to find genuinely acceptable language that can bridge the seemingly intractable differences on such areas as preamble, scope and entry into force. Success is

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within our grasp; we should not throw it away. We all need a sound CTBT which should command the support of all CD members and all other members of the international community.

The Chairman of the Ad Hoc Committee on a Nuclear Test Ban and his Friends have worked very hard to ensure that we stay focused on our goal. He has been assisted in his important efforts by the Chairman of Working Group 1, Ambassador Grigori Berdennikov, and the Chairman of Working Group 2, Ambassador Mounir Zahran. They all deserve a special tribute and our collective gratitude.

Similarly, as President, I enjoyed the support of all delegations. This cooperation has been useful. Let me place on record our gratitude for the immense cooperation of the Secretary-General of the Conference, Mr. Vladimir Petrovsky, his deputy, Mr. Abdelkader Bensmail, and the staff in the CD secretariat. Special tribute is also due to all other Conference officers and the interpreters. I salute them.

Now, I wish my successor, Ambassador Munir Akram, a successful tenure of office. To him now I pass the gavel, but before doing so, let us conclude some routine administrative matters.

The secretariat has circulated, at my request, a tentative timetable of meetings for next week. This timetable was prepared in consultation with the Chairman of the Ad Hoc Committee on a Nuclear Test Ban and is, as usual, merely indicative and subject to change if necessary. My I assume that the timetable is acceptable?

It was so decided.

The PRESIDENT: The next plenary meeting of the Conference on Disarmament will be held on Thursday, 30 May 1996 at 10 a.m.

The meeting rose at 11 a.m.